

## **Board Administration and Regulatory Coordination Unit**

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### **Division 3. Air Resources Board**

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### **Chapter 1. Air Resources Board**

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#### **Subchapter 1.25. Administrative Procedures–Hearings**

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#### **Article 4. Administrative Hearing Procedures for Review of Citations**

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#### **Subarticle 11. Reconsideration by the Executive Officer**

##### **§ 60075.43. Reconsideration; Orders and Decisions by the Executive Officer.**

(a) Unless the executive officer expressly finds otherwise, a request for reconsideration shall be deemed summarily denied if the executive officer does not issue a finding that reconsideration is warranted within 20 days of filing of the request. For those matters deemed summarily denied, the order or decision of the hearing officer issued pursuant to section 60075.40 shall be considered final pursuant to section 60075.44.

(b) If the request for reconsideration has not been summarily denied pursuant to subparagraph (a) above in reconsidering the decision or order of the hearing officer, the executive officer may:

- (1) Review some, but not all, issues raised by the request;
- (2) Grant an order to stay, suspend, or postpone, the order or decision of the hearing officer, findings, or decision after reconsideration;
- (3) Affirm, rescind, or amend the findings, order or decision of the hearing officer; or
- (4) Direct the reopening of the hearing for the taking of additional evidence and issuance of supplementary findings of fact. The executive officer may direct that the taking of such evidence be done by either written submission or further testimony under oath before the executive officer or a hearing officer. The hearing shall be reopened for the limited purposes identified by the executive officer in his order. Notice of the time and place of further hearings shall be given to all parties and to such other persons as the hearing officer may direct.

(c) For those decisions and orders of the hearing officer for which reconsideration is undertaken, the executive officer shall issue his or her final disposition of the request as expeditiously as possible. A decision or order that is the final disposition of the request for reconsideration shall be in writing and any modifications to the order or decision of the hearing officer shall be supported with additional findings, facts and conclusions of law.

NOTE: Authority cited: Sections 39600, 39601, 43028, 43031(a) and 44011.6(m), Health and Safety Code. Reference: *Mathews v. Eldridge*, 424 U.S. 319 (1976); and Sections 43028, 43031(a) and 44011.6, Health and Safety Code.

##### **REFERENCE**